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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/913,218	09/08/97	SATO	F 171-583P

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EXAMINER
SHAVER, P

ART UNIT	PAPER NUMBER
1621	11

DATE MAILED: 03/02/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/913,218

Applicant(s)
Sato

Examiner
Paul F. Shaver

Group Art Unit
1621



☒ Responsive to communication(s) filed on Aug 4, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-30 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 8-10, 17, and 21-30 is/are allowed.

☒ Claim(s) 1-7, 11-16, and 18-20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 8

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. Claim 1-7, 11-16, and 18 to 20 are again rejected under 35 U.S.C. 102(b)¹ as being clearly anticipated by Mukaiyama or Corey et al. Since both references were cited by applicants, it is not necessary for the Examiner to point out pertinent portions of the references since their pertinence is assumed to be known to applicants.

Claim Rejections - 35 USC § 103

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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2. Claims 1-7, 11-16, and 18-20 are rejected under 35 U.S.C. 103 as unpatentable over Kulinkovich et al. The reference teaches a Ti catalyzed reaction of EtMgBr with ethyl acetate in the presence of styrene. The instant process differs from the reference only by employing unsaturated compounds other than styrene. However, the starting materials are analogous in that the reactive portions of the molecules are the same. One of ordinary skill in the art would have been motivated to employ the process of the prior art with the expectation of obtaining the desired product because they would have expected the analogous precursors to react similarly. The application of an old process to a new and analogous material to obtain a result consistent with the teachings of the art would have been obvious to the skilled artisan.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul F. Shaver whose telephone number is (703) 308-4629. The Examiner's normal tour of duty is Monday to Friday, 6:30 AM to 3:00 PM. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1235. The Examiner's supervisor, Gary Geist, may be reached at (703) 308-1701.

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A facsimile center has been established in Group 1200, Room 3C10. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier number for accessing the facsimile machine is (703) 308-4556.

A handwritten signature in cursive script, reading "Paul F. Shaver". The signature is written in dark ink and is positioned above the printed name and title.

Paul F. Shaver
Primary Examiner
Group 1600-Art Unit 1621

PFSHaver
October 12, 1999